

ORIGINAL

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FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

JUN 16 2022
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Attorneys for Plaintiff
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,

Plaintiff,

v.

MATTHEW BELANGER,

Defendant.

) CR. NO. CR 22-00049 JAO

) INDICTMENT

) [18 U.S.C. §§ 371, 922(a)(6), 924(a)(2),
) 924(a)(1)(A), and 2]

INDICTMENT

The Grand Jury charges:

Count 1
Conspiracy to Make False Statement
to Federal Firearm Licensee
(18 U.S.C. § 371)

1. From in or about April 2020 to in or about May 2020, within the District of Hawaii and elsewhere, MATTHEW BELANGER, the defendant, knowingly and willfully combined, conspired, and agreed with Associate 1 to commit the following offenses against the United States:

a. In connection with the acquisition of a firearm from a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, to knowingly make a false and fictitious written statement to the dealer, which statement was intended and likely to deceive the dealer as to a fact material to the lawfulness of such sale of the firearm under Chapter 44 of Title 18, in violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2); and

b. To knowingly make a false statement and representation to a person licensed under the provisions of Chapter 44 of Title 18, United States Code, with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of the licensee, in violation of Title 18, United States Code, Section 924(a)(1)(A).

2. In furtherance of the conspiracy and to effect the objects thereof, BELANGER and Associate 1 committed the following overt acts in the District of Hawaii and elsewhere, among others:

- a. On April 21, 2020, BELANGER sent Associate 1 a text message instructing Associate 1 to buy the firearm;
- b. On April 21, 2020, BELANGER sent Associate 1 approximately \$975 via Cash App to use for the purchase of the firearm;
- c. On May 20, 2020, Associate 1 completed and signed an ATF-4473 at Fred's Gun Shop, Port Jefferson, New York, a federal firearm licensee, falsely answering "Yes" to response to Question 11.a, which inquires, "Are you the actual transferee/buyer of the firearm(s) listed on this form?"; and
- d. On May 20, 2020, Associate 1 purchased the firearm, namely a Luger 9 mm pistol, serial number 71777, from the licensee on behalf of BELANGER.

All in violation of Title 18, United States Code, Section 371.

Count 2

False Material Statement During Purchase of Firearm
(18 U.S.C. §§ 922(a)(6) and 924(a)(2))

3. On or about May 20, 2020, within the District of Hawaii and

elsewhere, MATTHEW BELANGER, the defendant, in connection with the acquisition of a firearm, namely a Luger 9 mm pistol, serial number 71777, from Fred's Gun Shop, Port Jefferson, New York, a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, knowingly made a false and fictitious written statement to Fred's Gun Shop, which statement was intended and likely to deceive Fred's Gun Shop as to a fact material to the lawfulness of such sale of the said firearm under Chapter 44 of Title 18, namely a false answer in the affirmative to Question 11.a on an ATF-4473.

All in violation of Title 18, United States Code, Sections 922(a)(6), 924(a)(2), and 2.

Count 3

False Statement of Required Information to Federal Firearm Licensee
(18 U.S.C. § 924(a)(1)(A))

4. On or about May 20, 2020, within the District of Hawaii and elsewhere, MATTHEW BELANGER, the defendant, knowingly made a false statement and representation to Fred's Gun Shop, Port Jefferson, New York, a person licensed under the provisions of Chapter 44 of Title 18, United States Code, with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of Fred's Gun Shop, namely a false answer in the affirmative to Question 11.a on an ATF-4473.

All in violation of Title 18, United States Code, Sections 924(a)(1)(A) and 2.

Forfeiture Notice

1. The allegations set forth in all paragraphs of this Indictment are hereby realleged and incorporated by reference for the purpose of noticing forfeiture pursuant to Title 18, United States Code, Section 924(d)(1), and Title 28, United States Code, Section 2461(c).

2. The United States hereby gives notice that, upon conviction of the offenses in violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2) charged in Count 2 of this Indictment or the offense in violation of Title 18, United States Code, Section 924(a)(1)(A) charged in Count 3 of this Indictment, MATTHEW BELANGER, the defendant, shall forfeit to the United States any firearms and ammunition involved in or used in the commission of that offense, including but not limited to a Luger 9 mm pistol, serial number 71777.

3. If by any act or omission of the defendant, any of the property subject to forfeiture described in paragraph 2 herein:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party,
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty,

the United States of America will be entitled to forfeiture of substitute property up to the value of the property described above in paragraph 2, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

DATED: June 16, 2022, at Honolulu, Hawaii.

A TRUE BILL

/s/ Foreperson

FOREPERSON, GRAND JURY

Clare E. Connors

For

CLARE E. CONNORS
United States Attorney
District of Hawaii

Craig S. Nolan

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Assistant U.S. Attorney

United States v. Matthew Belanger

Indictment

Cr. No.

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